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July 9, 2010

Via ECF

The Honorable Michael A. Shipp, U.S.M.J.
Frank R. Lautenberg U.S. Post Office & Courthouse
P. O. Box 999
Newark, New Jersey 07101-0999

Re: Pontani, et al. v. AmeriHealth Insurance Company
Of New Jersey, et al., Civil Action No. 2:08-cv-04580 (FSH) (MAS)

Dear Judge Shipp:

On June 21, 2010, the Court scheduled a settlement conference for July 20 and requested written settlement positions by July 13. AmeriHealth seeks the Court's guidance on whether the conference should be rescheduled.

Plaintiffs have repeatedly advised AmeriHealth and the Court that they cannot meaningfully evaluate settlement in the absence of Rule 30(b)(6) depositions of AmeriHealth and Magellan. AmeriHealth made what it considers good faith and reasonable efforts to schedule the depositions before the July 20 settlement conference. After June 21, it offered plaintiffs ten different days before the July 20 settlement conference on which to conduct the AmeriHealth Rule 30(b)(6) depositions: June 28-30, July 1-2, 6-9, and 19. Plaintiffs stated they were not available and asked AmeriHealth to provide different dates. Plaintiffs offered July 13-14. AmeriHealth advised plaintiffs that it could not conduct depositions the week of July 12-16 because of a vacation. To AmeriHealth's knowledge, plaintiffs have not scheduled depositions of Magellan personnel either.

AmeriHealth is willing to participate in the conference on the 20th. It is concerned, however, that the conference will not be productive, if, as plaintiffs have repeatedly maintained, they cannot settle without depositions. AmeriHealth twice asked plaintiffs to comment on whether the settlement conference should be postponed until such time as plaintiffs can complete the depositions that they claim are necessary to evaluate settlement (please see attached).

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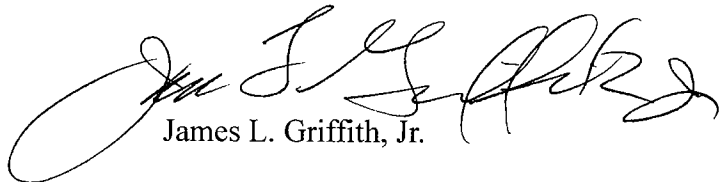
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AmeriHealth did not receive a response to either inquiry, thus necessitating this letter to the Court.

Counsel for AmeriHealth has a trial in another matter scheduled to begin August 11. It is expected to last a week if not longer. AmeriHealth respectfully requests that the Court take that prior commitment into consideration if the Court is inclined to reschedule the settlement conference in this case.

We thank Your Honor for your consideration of this matter.

Respectfully submitted,



James L. Griffith, Jr.

Attachment
cc: All counsel via ECF

Griffith, James

From: Griffith, James
Sent: Wednesday, July 07, 2010 2:13 PM
To: 'Bruce Nagel'; 'Sooy, Kathleen'; 'Randee Matloff'
Subject: RE: Deposition

Please let me know your position. I may have to contact Judge Shipp if I do not hear from you. Thanks.

From: Griffith, James
Sent: Thursday, July 01, 2010 2:53 PM
To: 'Bruce Nagel'; Sooy, Kathleen; Randee Matloff
Subject: RE: Deposition

Bruce:

My clients offered you ten different days before the July 20 settlement conference on which to conduct the Rule 30(b)(6) depositions: June 28-30, July 1-2, 6-9, and 19. In each instance you asked us to provide different dates. You offered July 13-14. We advised you early on that we were not available the week of July 12-16 because of a vacation.

You have repeatedly advised that you cannot meaningfully evaluate settlement in the absence of depositions of AmeriHealth and Magellan. AmeriHealth understands your point of view and wants to make sure you get the deposition(s) of the AmeriHealth witnesses. It has made what it considers good faith and reasonable efforts to schedule the depositions before the July 20 settlement conference.

In light of the foregoing, AmeriHealth proposes that plaintiffs ask the Court for another settlement conference date. That way, we can give the settlement conference a greater chance of being productive.

We welcome your thoughts on the matter.

Jim

From: Bruce Nagel [mailto:BNagel@nagelrice.com]
Sent: Thursday, July 01, 2010 11:28 AM
To: Griffith, James; Sooy, Kathleen; Randee Matloff
Subject: Deposition

Next week does not work. Please give me new dates.
BHN

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